

Remarks

General

Claims 27, 28, 30-33 and 36 stand allowed. Claims 2, 3, 5, 7, 42-48, 51-54, 57, and 67-69 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 29 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S. C. §112, second paragraph. Claims 8-26, 24, 35, 37-40, 49, 50, 58-60, and 70-102 have been withdrawn from consideration.

35 U.S.C. §112

According to the Office Action, claim 29 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants have amended claim 29 to overcome the rejection. Withdrawal of the rejection is requested.

35 U.S.C. §102

According to the Office Action, claims 41, 55, 56, and 61 stand rejected under 35 U.S.C. §102(b) as being clearly anticipated by Bales et al . (Re 33,925). The Office Action directs Applicant's attention to figure 3 of Bales.

Applicants disagree. The Bales patent does not show and describe each and every claim limitation set forth in claim 41. In particular, claim 41 requires that the return electrode is proximal to the electrode support. In contrast, the Bales patent does not show this limitation. The sleeve electrode (90) shown in the Bales patent overlaps the distal portion of the insulating sleeve (88). It is not proximal to the insulating sleeve as claim 41 recites. Accordingly, reconsideration and withdrawal of the rejection of claim 41 and claims that depend thereon are requested.

35 U.S.C. §103(a)

The Office Action rejected claims 1, 4, and 6 under 35 U.S.C. §103(a) as being unpatentable over Goble et al. (6,056,746). The Office Action directs Applicants attention to Figures 2 and 8-10 as well as column 6, lines 62-64.

By this Amendment Applicant has collapsed claim 2 with claim 1. The Office Action indicated that claim 2 is allowable and accordingly, Applicant submits that claim 1 and all the claims depending thereon are now allowable. Reconsideration and withdrawal of the rejection of claims 1, 4 and 6 are therefore requested.

The Office Action also rejected claims 62-64 under 35 U.S.C. §103(a) as being unpatentable over Bales et al. (Re 33,925) in view of Goble et al (6,056,746). The Office Action also rejected claims 65 and 66 under 35 U.S.C. §103(a) as being unpatentable over Bales et al. (Re 33,925). Each of these claims depends on previously discussed claim 41 or a claim depending thereon. As discussed above, claim 41 is believed to be allowable over the cited references since no combination of the references teaches or suggests all claim limitations, a requirement for a *prima facie* case of obviousness. In particular, amongst other things, no combination of the references teaches or suggests a catheter having a return electrode proximal to the belly shaped electrode support. Accordingly, reconsideration and withdrawal of the above rejection is respectfully requested.

SUMMARY

Applicant believes all outstanding issues raised in the previous Office Action are addressed herein and that the claims are in condition for allowance. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (408) 736-0224.

Respectfully submitted,



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2/24/04

Date

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